



COMMONWEALTH'S ATTORNEY NEWS RELEASE

SPECIAL PROSECUTOR THOMAS E. BOWERS DETAILS FLOYD CO. FATALITY

FOR IMMEDIATE RELEASE – MARCH 10, 2009

On January 12, 2009, Virginia State Police Master Trooper Andrew M. O'Connor was involved in a shooting while on duty in Floyd County. Vincent James Lumia III, a resident of Patrick Co., was shot and killed. Floyd Co. Commonwealth's Attorney Stephanie Murray Shortt disqualified herself from the investigation and requested the Circuit Court to appoint a Special Prosecutor. The Circuit Court of Floyd Co. appointed Thomas E. Bowers, Commonwealth's Attorney for the City of Salem, as Special Prosecutor.

On January 12, 2009 at 8:55 p.m., a call was placed to Emergency 911 at the Floyd Co. Sheriff's Office advising that a subject was attempting to drive a white Ford Explorer through the front door of the residence at 208 Eanes Road, in the Check area of the county. The Floyd Co. Sheriff's Office dispatched 3 deputies and contacted the Virginia State Police at the 6th Division Headquarters in Salem for assistance. The Virginia State Police dispatched the trooper on duty in Floyd Co., Master Trooper Andrew M. O'Connor, a 27 year veteran of the Virginia State Police, to assist. The three deputies, two riding together in one marked sheriff's vehicle and one in another marked sheriff's vehicle, arrived in the area at approximately 9:17 p.m., about the same time Trooper O'Connor arrived in his unmarked police vehicle.

The driveway leading up to the residence is a gravel road approximately 3/10 of a mile long. The driveway as it approaches the residence splits with one segment leading in front of the residence and another segment leading to the rear of the residence. A wooded hilly area separates the upper driveway from the lower driveway. The upper driveway is a narrow dirt path surrounded by trees on both sides.

The four law enforcement officers pulled their three vehicles down the gravel driveway in front of the residence. The owner of the residence, John Beasley, came outside and advised the officers that his stepson, Vincent James Lumia III, was on the upper driveway behind the house. Beasley advised that Lumia was bipolar and had not taken his medication.

The officers returned to their vehicles and drove back down the driveway to the intersection with the upper driveway. They then drove onto the upper driveway towards the rear of the residence, with both marked Floyd Co. Sheriff's Office vehicles leading Trooper O'Connor's unmarked vehicle. As they approached, they saw a white Ford Explorer occupied by Vincent James Lumia III, facing them and located beside the back door of the residence.



The first Floyd Co. Sheriff's Dept. cruiser, occupied by Deputy Chad M. Harris, stopped approximately 6 feet in front of and facing Lumia's Ford Explorer. The second Floyd Co. sheriff's vehicle, occupied by Deputy William J. Coleman and Deputy Tommy J. Turman, parked approximately 40 feet behind and slightly to the left of the first cruiser. Trooper O'Connor parked his unmarked vehicle approximately 6 feet behind the second cruiser.

Floyd Co. deputies exited their vehicles and quickly approached the white Ford Explorer. Deputy Harris was at the driver's door and Deputy Coleman was at the passenger door. Deputy Turman was on the driver's side providing back-up assistance to Deputy Harris. Trooper O'Connor exited his vehicle and was walking up to assist the deputies.

Vincent James Lumia III was sitting in his Ford Explorer with the engine running. Deputy Harris placed his hand on his service weapon and commanded Lumia, "let me see your hands." Lumia raised both hands and Deputy Harris twice commanded Lumia to "unlock the door." Lumia did not comply and stared straight ahead. Deputy Harris attempted to open the door, which remained locked. Deputy Harris struck the window but the window did not break.

Lumia continued to stare straight ahead and did not acknowledge their presence, nor did he comply with their commands. Lumia, who was now revving the engine of his vehicle, shifted his Ford Explorer into low gear - the "Drive 1" position of the automatic transmission - and proceeded forward at a rapid pace. Deputy Coleman drew his service weapon. Lumia drove his Ford Explorer head-on into the front end of the first marked Floyd Co. Sheriff's cruiser. After the initial impact, Lumia's Explorer continued pushing the sheriff's vehicle backwards toward Trooper O'Connor position as he was walking on the passenger side towards the front of the second Sheriff's cruiser. Deputy Coleman yelled "watch out." Lumia then continued driving forward, while pushing the sheriff's cruiser toward Trooper O'Connor's position near the front of the second sheriff's cruiser. Lumia made no effort to stop his vehicle as both vehicles headed toward Trooper O'Connor.

Trooper O'Connor stated, "The subject revved the engine, put it in gear and came at me, forward, looking straight at me." He heard Deputy Coleman yell and thought the subject had run over or hit Deputy Coleman. As he began moving to his left to avoid being struck by one or both of the oncoming vehicles, Trooper O'Connor drew his service weapon, firing five shots. Trooper O'Connor was trying to shoot through the front windshield, but the speed of the oncoming vehicles combined with Trooper O'Connor moving to his left to avoid being hit, caused him to shoot through the passenger glass, near the A pillar (the front of passenger door frame).

Trooper O'Connor advised, "He came straight at me. I was in fear of my life and the deputies' lives too. I thought he was going to kill me. I thought he could have already killed Justin (Coleman)." Simultaneously, the rear of the first sheriff's vehicle collided with and stopped abruptly on a pile of rocks, causing Lumia's Ford Explorer to shift to the right, striking the passenger side front of the second sheriff's vehicle.



The investigation revealed Lumia pushed the first sheriff's cruiser 60 feet from the point of impact to the point of rest against the pile of rocks. Trooper O'Connor was not struck by Lumia's vehicle. Lumia's vehicle glanced off the first sheriff's vehicle as it lodged against the rock pile, and shifted to the right, striking the second sheriff's car, before sliding back into the first sheriff's car a second time. As the deputies approached, Lumia's right foot was on the accelerator and the engine was still revving. Deputies switched the ignition off to immobilize the car and to reduce the fire hazard.

At 9:22 p.m. deputies notified Floyd Co. 911 that shots had been fired and requested rescue. Vincent James Lumia III suffered gunshot wounds to the head and upper extremities and was pronounced dead at the scene. The entire incident, from the time authorities arrived on the scene until the deputies called dispatch to request EMS personnel, lasted less than 5 minutes.

Further investigation revealed that prior to arrival of law enforcement officers, Vincent Lumia had used his vehicle to push in the door frame and break the sliding glass door of a small cottage house located at the intersection of the upper and lower driveway. A consent search of Vincent Lumia's trailer in Patrick Co. was conducted and 996 marijuana plants and a grow operation were found. Vincent Lumia's toxicology report listed his tetrahydrocannabinol level as .027 mg/l, indicative of someone heavily under the influence of marijuana.

Based upon a review of all the evidence available to me, I am of the opinion that Master Trooper O'Connor's use of deadly force was justifiable in that he had a reasonable belief that Deputy Coleman may have been hit or injured and that he possessed a reasonable belief that he himself was in danger of being killed or seriously injured. Therefore, I find no basis for any criminal charges involving the actions of Master Trooper O'Connor's and this will conclude the matter from a criminal perspective.

CONTACT:

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